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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,775	12/08/2003	Caroline L. Yao	1002-1	4837

7590 08/23/2006

Joseph R. Palmieri  
136 Turtle Cove Lane  
Huntington, NY 11743

EXAMINER

MILORD, MARCEAU

ART UNIT PAPER NUMBER

2618

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/730,775	<b>Applicant(s)</b> YAO ET AL.	
	<b>Examiner</b> Marceau Milord	<b>Art Unit</b> 2618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abramov (US Patent No 6942173 B1) in view of Yuch (US Patent No 6968066 B2).

Regarding claims 1-7, Abramov discloses a device (figs. 1-2), comprising: a center region having a first end and a second end; a first end region coupled to the first end of the center region, the first end region axially longer than the center region and forming first retaining regions (col. 1, line 56- col. 2, line 4; col. 3, lines 35-62), the first end region including a first pincer region; a second end region coupled to the second end of the center region (col. 4, lines 5-40).

However, Abramov does not specifically disclose the features of a second end region axially longer than the center region and forming second retaining regions, the second end region

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including a second pincer region, wherein the first and second pincer regions include a gap that resistively allows passage of a cord.

Yuch, on the other hand, discloses a wireless hands-free apparatus with a sound-absorbing function where it has improved talking quality when used with a Bluetooth earphone. The hands-free apparatus has an earphone with a built-in wireless communication module therein, a membrane sound capture device for receiving the input of the sound wave and a connecting line connected between the earphone and the membrane sound capture device. The membrane sound capture device can receive the user's sound wave and propagate the sound by the wireless communication module of the earphone through the connecting line (figs. 3-4; col. 1, lines 55-67; col. 2, lines 40-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Hurtado to the communication system of Abramov in order to provide a hands-free earphone with a sound-absorbing function for the purpose of improving communication quality.

Regarding claims 8-9, Abramov discloses a method, comprising: inserting a first portion of a cord (figs. 1-2), into a first end region of a cord holder, the first end region including a first holding region to hold the first portion of the cord; wrapping a remaining length of the cord around a cord retaining area of the cord holder (col. 1, line 56- col. 2, line 4; col. 3, lines 35-62), the cord retaining area formed from the first end region, a center region coupled to the first end region, and a second end region coupled to the center region (col. 4, lines 5-40).

However, Abramov does not specifically disclose the features of a first end region and second end region axially longer than the center region; inserting a second portion of the cord

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into a second end region of the cord holder, the second end region including a second holding region to hold the second portion of the earpiece cord.

Yuch, on the other hand, discloses a wireless hands-free apparatus with a sound-absorbing function where it has improved talking quality when used with a Bluetooth earphone. The hands-free apparatus has an earphone with a built-in wireless communication module therein, a membrane sound capture device for receiving the input of the sound wave and a connecting line connected between the earphone and the membrane sound capture device. The membrane sound capture device can receive the user's sound wave and propagate the sound by the wireless communication module of the earphone through the connecting line (figs. 3-4; col. 1, lines 55-67; col. 2, lines 40-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Hurtado to the communication system of Abramov in order to provide a hands-free earphone with a sound-absorbing function for the purpose of improving communication quality.

Regarding claims 10-16, Abramov discloses an earpiece cord holding device (figs. 1-2), comprising: a center region having a first end and a second end; a first end region coupled to the first end of the center region (col. 1, line 56- col. 2, line 4; col. 3, lines 35-62), the first end region including a first pincer region; a second end region coupled to the second end of the center region (col. 4, lines 5-40).

However, Abramov does not specifically disclose the features of a second end region axially longer than the center region and forming second retaining regions, the second end region including a second pincer region, wherein the first and second pincer regions include a gap that resistively allows passage of an earpiece cord.

Yuch, on the other hand, discloses a wireless hands-free apparatus with a sound-absorbing function where it has improved talking quality when used with a Bluetooth earphone. The hands-free apparatus has an earphone with a built-in wireless communication module therein, a membrane sound capture device for receiving the input of the sound wave and a connecting line connected between the earphone and the membrane sound capture device. The membrane sound capture device can receive the user's sound wave and propagate the sound by the wireless communication module of the earphone through the connecting line (figs. 3-4; col. 1, lines 55-67; col. 2, lines 40-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Hurtado to the communication system of Abramov in order to provide a hands-free earphone with a sound-absorbing function for the purpose of improving communication quality.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kivela et al discloses a personal mobile communication device having multiple units.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is 571-272-7853. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MARCEAU MILORD

*MMilord*  
MARCEAU MILORD  
PRIMARY EXAMINER

Marceau Milord  
Primary Examiner  
Art Unit 2618

8-16-06